

ONE HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 23, 2015

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Habib and Liias.

The Sergeant at Arms Color Guard consisting of Pages Erika Weber and Olivia Young, presented the Colors. Senator Dammeier offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 22, 2015
EHB 2212 Prime Sponsor, Representative Cody:
Exempting hospitals licensed under chapter 70.41 RCW that receive capital funds to operate new psychiatric services from certain certificate of need requirements. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Chair; Frockt; Angel; Bailey; Brown; Cleveland; Conway; Jayapal; Keiser; Parlette and Rivers.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5004,
SENATE BILL NO. 5011,
SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5030,
SENATE BILL NO. 5070,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
SENATE BILL NO. 5085,

SENATE BILL NO. 5100,
SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5147,
SUBSTITUTE SENATE BILL NO. 5163,
SUBSTITUTE SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5202,
SUBSTITUTE SENATE BILL NO. 5276,
SUBSTITUTE SENATE BILL NO. 5280,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5297,
SUBSTITUTE SENATE BILL NO. 5299,
SENATE BILL NO. 5307,
SUBSTITUTE SENATE BILL NO. 5328,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5353,
SUBSTITUTE SENATE BILL NO. 5362,
SUBSTITUTE SENATE BILL NO. 5381,
ENGROSSED SENATE BILL NO. 5419,
SUBSTITUTE SENATE BILL NO. 5433,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5441,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5460,
SENATE BILL NO. 5468,
ENGROSSED SENATE BILL NO. 5471,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
SENATE BILL NO. 5746,
ENGROSSED SENATE BILL NO. 5871,
ENGROSSED SENATE BILL NO. 5893,
ENGROSSED SENATE BILL NO. 5923,
ENGROSSED SENATE BILL NO. 5935,
SUBSTITUTE SENATE BILL NO. 5957,
SENATE BILL NO. 5958,
SENATE JOINT MEMORIAL NO. 8008,
SENATE JOINT MEMORIAL NO. 8013.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5048,
SENATE BILL NO. 5139,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5158,
SENATE BILL NO. 5203,
SENATE BILL NO. 5207,
SENATE BILL NO. 5227,
ENGROSSED SENATE BILL NO. 5262,
SENATE BILL NO. 5288,
SENATE BILL NO. 5314,
SUBSTITUTE SENATE BILL NO. 5348,
SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5481,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5498,
SUBSTITUTE SENATE BILL NO. 5501,
ENGROSSED SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5534,
SUBSTITUTE SENATE BILL NO. 5538,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5550,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5557,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5564,

SUBSTITUTE SENATE BILL NO. 5593,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5600,
SENATE BILL NO. 5603,
SUBSTITUTE SENATE BILL NO. 5633,
SENATE BILL NO. 5647,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,

SENATE BILL NO. 5650,
SENATE BILL NO. 5692,
SUBSTITUTE SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5733,
SUBSTITUTE SENATE BILL NO. 5740,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5826,
SECOND SUBSTITUTE SENATE BILL NO. 5851,
ENGROSSED SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5877,
SECOND SUBSTITUTE SENATE BILL NO. 5888.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2015

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1013,
HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1069,
SUBSTITUTE HOUSE BILL NO. 1088,
ENGROSSED HOUSE BILL NO. 1091,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1183,
SECOND SUBSTITUTE HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1316,
HOUSE BILL NO. 1392,
ENGROSSED HOUSE BILL NO. 1422,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1450,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1471,

SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1485,

SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1586,
HOUSE BILL NO. 1620,
HOUSE BILL NO. 1622,
SUBSTITUTE HOUSE BILL NO. 1625,
SUBSTITUTE HOUSE BILL NO. 1636,
HOUSE BILL NO. 1652,
ENGROSSED HOUSE BILL NO. 1868,
SUBSTITUTE HOUSE BILL NO. 1896,
SUBSTITUTE HOUSE BILL NO. 1898,
HOUSE BILL NO. 1940,
ENGROSSED HOUSE BILL NO. 1989,
HOUSE BILL NO. 2055,

HOUSE BILL NO. 2140.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6113 by Senators Jayapal, Frockt, Kohl-Welles, Nelson, Fraser and Hasegawa

AN ACT Relating to aligning eligibility for the college bound scholarship program with the state need grant program; and reenacting and amending RCW 28B.118.010.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2217 by Representatives Hunter, Sullivan and Carlyle

AN ACT Relating to the juvenile offender basic training camp program; and amending RCW 13.40.320.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5693.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION

8659

By Senators Ranker, Dammeier, Litzow, Dansel, Keiser, Hasegawa, Rivers, Hobbs, Billig, Nelson, McCoy, Hargrove, Rolfes, Pedersen, Jayapal, McAuliffe, Hewitt, Hill, Becker, Padden, Hatfield, Braun, Conway, Darneille, Kohl-Welles, Pearson, Lias, Sheldon, Chase, Frockt, Roach, and Fraser

WHEREAS, Billy Frank Jr. of the Nisqually Tribe was an unflinching advocate for environmental protections in Washington and human rights for Native Americans, and he firmly believed in honoring and preserving the earth; and

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WHEREAS, During the Fish Wars of the 60s and 70s, Indian Tribes were fighting for their right to fish in their own historical territories, a right that was guaranteed to them in the 19th century by the federal government; and

WHEREAS, Billy Frank Jr. was arrested over 50 times for standing up for Native American treaty rights; and

WHEREAS, Billy Frank Jr.'s unwavering actions helped lead to the Boldt Decision, which established Indian Tribes in Washington as comanagers of the salmon resource and reaffirmed tribal rights to harvestable salmon; and

WHEREAS, Billy Frank Jr. shaped Washington State as it is known today in not only advancing cooperative management over natural resources between tribes and the state, but also in the fight for equality for all people; and

WHEREAS, Billy Frank Jr. supported Indian Tribes in Washington for over 30 years as chair of the Northwest Indian Fisheries Commission, which gave tribes a powerful voice to express their concerns to Washington, D.C.; and

WHEREAS, Billy Frank Jr. was dignified with numerous humanitarian awards for his service, including the Albert Schweitzer Prize for Humanitarianism, Washington State Environmental Excellence Award, and American Indian Distinguished Service Award, along with countless others; and

WHEREAS, Billy Frank Jr. passed away on May 5, 2014, at the age of 83, and he was on that day, as on most days, on his way to a meeting about fish and tribal treaty rights; and

WHEREAS, Washington must continue to remember Billy Frank Jr.'s legacy, his passion, and the strides he made to defend and protect his tribe, his country, and our earth; and

WHEREAS, Billy Frank Jr. stressed the importance of both the spiritual and cultural ties of salmon to indigenous people throughout Washington and the nation; and

WHEREAS, Through his lifetime of kinship with the natural world, Billy Frank Jr. helped create a healthy environment that can sustain salmon, achieved change, and brought diverse and divergent communities together around shared desires through nonviolent means; and

WHEREAS, Billy Frank Jr. spent his entire life bringing together those with diverse ideologies and backgrounds around a shared passion for sustainability;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Billy Frank Jr. and the impact he had on tribes, the state, the nation, and the earth, and now let him inspire all of us to carry on his legacy.

Senators Ranker, McCoy, Becker, Hargrove, Fraser, Sheldon and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator Ranker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the members of Bill Franks family and friends who were seated in the gallery.

On motion of Senator Fain, Senator Liias was excused.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

2015 REGULAR SESSION

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Sherry L. Armijo, Gubernatorial Appointment No. 9005, be confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19. Senator Brown spoke in favor of the motion.

MOTION

On motion of Senator Rolfes, Senator Habib was excused.

APPOINTMENT OF SHERRY L. ARMJO

The President declared the question before the Senate to be the confirmation of Sherry L. Armijo, Gubernatorial Appointment No. 9005, as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Sherry L. Armijo, Gubernatorial Appointment No. 9005, as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Habib and Liias

Sherry L. Armijo, Gubernatorial Appointment No. 9005, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

PERSONAL PRIVILEGE

Senator King: "Thank you Mr. President. Well, if you recall back to the opening day of session all of you should have received a bag of apples from me and those apples were given to me by Kershaw Fruit who their selling arm is under Domex Superfresh growers. So, I wanted to recognize them today for that donation but in addition to that the Lieutenant Governor had made a bet on the Super Bowl with the Lieutenant Governor from Massachutes and unfortunately we lost that bet and part of that was a box of apples from Domex and Kershaw Fruit to be given to the Lieutenant Governor Massachutes and they were gracious enough to provide that box and deliver with their sales arm back in Massachutes personally to the Lieutenant Governor. The other part of that as the story continues is there was additional part to that bet that included two thousand pounds of apples that was to go to one of their agencies back in Massachutes. It was determined that the cost was to prohibited so the Lieutenant from Massachutes said well donate them to a group in Washington so Kershaw Fruit donated two thousand pounds of apples to Northwest Harvest I believe it was. So, I thought it was right and fitting that we thank them for that donation. We happen to have two gentleman here today, I will let the Lieutenant Governor take it from but I want to say thank you to really a great company. This is Bob and Ed Kershaw the fourth generation to run Kershaw Fruit and they've been a great part of our valley and continue to

be a very great part of our valley so I thank you for the apples and thank you for what you do to support the economy not only in the Yakima Valley but Washington State.”

REMARKS BY THE PRESIDENT

President Owen: “So the President, I hated to pay up on that bet but was incredibly proud of the fact that we had a company so willing to step up when we said we need to donate something to a food bank. That was the bet that we have to donate food to a food bank and they offered a ton of apples for that. It’s a great honor for me to be able to introduce to you Loren Queen and Mark Holtzinger of Kerhsaw Fruit.”

REMARKS BY MARK HOLTZINGER

Mark Holtzinger: “We enjoy the apples to and we enjoy the fact that we were able to share them with and we have a pleather of them this year coming out of Eastern Washington. The new varieties that we have like the Autumn Glory are an exciting part of Eastern Washington and we look forward to more support from you folks as we look to maybe a little shortage of water this year. I’ll add that to my comments. Thank you so much for the recognition, it’s very much an honor.”

REMARKS BY LOREN QUEEN

Loren Queen: “Thank you. It turned out to be an excellent opportunity for us as a marketing firm to be able to get a little mileage out of it of an unfortunate situation from the Super Bowl. It worked out well for us though as a company. Thank you very much.”

MOTION

On motion of Senator Hobbs, Senator McAuliffe was excused.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Tim B. Douglas, Gubernatorial Appointment No. 9041, be confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

Senators Ericksen, Ranker and Darneille spoke in favor of passage of the motion.

APPOINTMENT OF TIM B. DOUGLAS

The President declared the question before the Senate to be the confirmation of Tim B. Douglas, Gubernatorial Appointment No. 9041, as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Tim B. Douglas, Gubernatorial Appointment No. 9041, as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote:

Tim B. Douglas, Gubernatorial Appointment No. 9041, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1013,
HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1068,
SUBSTITUTE HOUSE BILL NO. 1069,
SUBSTITUTE HOUSE BILL NO. 1088,
ENGROSSED HOUSE BILL NO. 1091,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1183,
SECOND SUBSTITUTE HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1316,
HOUSE BILL NO. 1392,
ENGROSSED HOUSE BILL NO. 1422,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1450,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1471,
SUBSTITUTE HOUSE BILL NO. 1480,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1485,
SUBSTITUTE HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1586,
HOUSE BILL NO. 1620,
HOUSE BILL NO. 1622,
SUBSTITUTE HOUSE BILL NO. 1625,
SUBSTITUTE HOUSE BILL NO. 1636,
HOUSE BILL NO. 1652,
ENGROSSED HOUSE BILL NO. 1868,
SUBSTITUTE HOUSE BILL NO. 1896,
SUBSTITUTE HOUSE BILL NO. 1898,
HOUSE BILL NO. 1940,
ENGROSSED HOUSE BILL NO. 1989,
HOUSE BILL NO. 2055,
HOUSE BILL NO. 2140.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Frederick Goldberg, Gubernatorial Appointment No. 9058, be confirmed as a member of The Evergreen State College Board of Trustees.

Senators Fraser and Frockt spoke in favor of passage of the motion.

APPOINTMENT OF FREDERICK GOLDBERG

The President declared the question before the Senate to be the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9058, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Frederick Goldberg, Gubernatorial Appointment No. 9058, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

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Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Habib and Liias

Frederick Goldberg, Gubernatorial Appointment No. 9058, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Patricia Whitefoot, Gubernatorial Appointment No. 9190, be confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

Senators King and Chase spoke in favor of passage of the motion.

MOTION

On motion of Senator Rolfes, Senators Billig and Nelson were excused.

APPOINTMENT OF PATRICIA WHITEFOOT

The President declared the question before the Senate to be the confirmation of Patricia Whitefoot, Gubernatorial Appointment No. 9190, as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Patricia Whitefoot, Gubernatorial Appointment No. 9190, as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Billig, Habib, Liias and Nelson

Patricia Whitefoot, Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fain moved that Linda S. Cowan, Gubernatorial Appointment No. 9202, be confirmed as a Green River Community College Board of Trustees of the .

Senator Fain spoke in favor of the motion.

APPOINTMENT OF LINDA S. COWAN

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The President declared the question before the Senate to be the confirmation of Linda S. Cowan, Gubernatorial Appointment No. 9202, as a Green River Community College Board of Trustees of the .

The Secretary called the roll on the confirmation of Linda S. Cowan, Gubernatorial Appointment No. 9202, as a Green River Community College Board of Trustees of the and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Billig, Liias and Nelson

Linda S. Cowan, Gubernatorial Appointment No. 9202, having received the constitutional majority was declared confirmed as a Green River Community College Board of Trustees of the .

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2015

MR. PRESIDENT:

The House passed SENATE BILL NO. 5125 with the following amendment(s): 5125 AMH JUDI H2560.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.66.020 and 2008 c 227 s 1 are each amended to read as follows:

If, for each claimant, the value of the claim or the amount at issue does not exceed (~~seventy-five~~) one hundred thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Actions arising on contract for the recovery of money;
- (2) Actions for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same and actions to recover the possession of personal property;
- (3) Actions for a penalty;
- (4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (5) Actions on an undertaking or surety bond taken by the court;
- (6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;
- (7) Proceedings to take and enter judgment on confession of a defendant;
- (8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;
- (9) Actions arising under the provisions of chapter 19.190 RCW;

(10) Proceedings to civilly enforce any money judgment entered in any municipal court or municipal department of a district court organized under the laws of this state; and

(11) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of, real property is not involved."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5125.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5125.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5125 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5125, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Billig, Liias and Nelson

SENATE BILL NO. 5125, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2015

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5607 with the following amendment(s): 5607-S.E AMH JUDI H2556.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.88.120 and 1991 c 289 s 7 are each amended to read as follows:

(1) At any time after establishment of a guardianship or appointment of a guardian, the court may, upon the death of the guardian or limited guardian, or, for other good reason, modify or terminate the guardianship or replace the guardian or limited guardian(-

(2) ~~Any person, including an incapacitated person, may apply to the court for an order to modify or terminate a~~

~~guardianship or to replace a guardian or limited guardian. If applicants are represented by counsel, counsel shall move for an order to show cause why the relief requested should not be granted. If applicants are not represented by counsel, they may move for an order to show cause, or they may deliver a written request to the clerk of the court.~~

~~(3) By the next judicial day after receipt of an unrepresented person's request to modify or terminate a guardianship order, or to replace a guardian or limited guardian, the clerk shall deliver the request to the court. The court may (a) direct the clerk to schedule a hearing, (b) appoint a guardian ad litem to investigate the issues raised by the application or to take any emergency action the court deems necessary to protect the incapacitated person until a hearing can be held, or (c) deny the application without scheduling a hearing, if it appears based on documents in the court file that the application is frivolous. Any denial of an application without a hearing shall be in writing with the reasons for the denial explained. A copy of the order shall be mailed by the clerk to the applicant, to the guardian, and to any other person entitled to receive notice of proceedings in the matter. Unless within thirty days after receiving the request from the clerk the court directs otherwise, the clerk shall schedule a hearing on the request and mail notice to the guardian, the incapacitated person, the applicant, all counsel of record, and any other person entitled to receive notice of proceedings in the matter.~~

~~(4) In a hearing on an application to modify or terminate a guardianship, or to replace a guardian or limited guardian, the court may grant such relief as it deems just and in the best interest of the incapacitated person.~~

~~(5)) or modify the authority of a guardian or limited guardian. Such action may be taken based on the court's own motion, based on a motion by an attorney for a person or entity, based on a motion of a person or entity representing themselves, or based on a written complaint, as described in this section. The court may grant relief under this section as it deems just and in the best interest of the incapacitated person. For any hearing to modify or terminate a guardianship, the incapacitated person shall be given reasonable notice of the hearing and of the incapacitated person's right to be represented at the hearing by counsel of his or her own choosing.~~

~~(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the incapacitated person who is the subject of the guardianship. The complaint must also provide the complainant's address, the case number (if available), and the address of the incapacitated person (if available). The complaint must state facts to support the claim.~~

~~(b) By the next judicial day after receipt of a complaint from an unrepresented person, the court's designee must ensure the original complaint is filed and deliver the complaint to the court.~~

~~(c) Within fourteen days of being presented with a complaint, the court must enter an order to do one or more of the following actions:~~

~~(i) To show cause, with fourteen days' notice, directing the guardian to appear at a hearing set by the court in order to respond to the complaint;~~

~~(ii) To appoint a guardian ad litem to investigate the issues raised by the complaint or to take any emergency action the court deems necessary to protect the incapacitated person until a hearing can be held;~~

~~(iii) To dismiss the complaint without scheduling a hearing, if it appears to the court that the complaint: Is without merit on its face; is filed in other than good faith; is filed for an improper~~

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purpose; regards issues that have already been adjudicated; or is frivolous. In making a determination, the court may review the matter and consider previous behavior of the complainant that is documented in the guardianship record;

(iv) To direct the guardian to provide, in not less than fourteen days, a written report to the court on the issues raised in the complaint;

(v) To defer consideration of the complaint until the next regularly scheduled hearing in the guardianship, if the date of that hearing is within the next three months, provided that there is no indication that the incapacitated person will suffer physical, emotional, financial, or other harm as a result of the court's deferral of consideration;

(vi) To order other action, in the court's discretion, in addition to doing one or more of the actions set out in this subsection.

(d) If after consideration of the complaint, the court believes that the complaint is made without justification or for reason to harass or delay or with malice or other bad faith, the court has the power to levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, fees, striking pleadings, or other appropriate relief.

(3) The court may order persons who have been removed as guardians to deliver any property or records belonging to the incapacitated person in accordance with the court's order. Similarly, when guardians have died or been removed and property or records of an incapacitated person are being held by any other person, the court may order that person to deliver it in accordance with the court's order. Disobedience of an order to deliver shall be punishable as contempt of court.

(4) The administrative office of the courts must develop and prepare in consultation with interested persons, a model form for the complaint described in subsection (2)(a) of this section and a model form for the order that must be issued by the court under subsection (2)(c) of this section.

(5) The board may send a grievance it has received regarding an active guardian case to the court's designee with a request that the court review the grievance and take any action the court deems necessary. This type of request from the board must be treated as a complaint under this section and the person who sent the complaint must be treated as the complainant. The court must direct the clerk to transmit a copy of its order to the board. The board must consider the court order when taking any further action and note the court order in any final determination.

(6) In any court action under this section that involves a professional guardian, the court must direct the clerk of the court to send a copy of the order entered under this section to the board.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the certified professional guardianship board.

(b) "Complaint" means a written submission by an unrepresented person or entity, who is referred to as the complainant."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5607.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5607.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5607 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5607, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5607, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dangel, Darneille, Ericksen, Fain, Fraser, Frocht, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Billig, Liias and Nelson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5607, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:14 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, April 24, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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